

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 3642/2022

(Arising out of impugned final judgment and order dated 09-01-2019 in CRL.M.Second Bail Application No.120920/2015 in CrI. A. No.192/2012 passed by the High Court of Judicature at Allahabad)

DHARMENDRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No.20278/2022-CONDONATION OF DELAY IN FILING
IA No.20281/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No.20280/2022-EXEMPTION FROM FILING O.T.
IA No.20283/2022-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 21-02-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali, Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Mohd. Aslam, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Applications seeking exemption form filing C/C of the impugned

judgment, exemption from filing O.T. and permission to file additional documents/facts/annexures are allowed.

A second bail application filed by the petitioner has been rejected. The petitioner has undergone 14 years, 11 months and 16 days of actual sentence and 17 years, 11 months and 5 days with remission as on 05.1.2021.

All that the High Court states it is still not a fit case for bail! The High Court instead directed the office to prepare paper books within four weeks and list the appeal immediately for hearing and this was as far back as the Order dated 09.1.2019. The submission of the learned counsel for the petitioner is:

- (a) That he has served more than 18 years with remission and more than 14 years actual sentence. "Form-A" of the petitioner was presented by the Jail Authorities under the Uttar Pradesh Prisoners Release on Probation Act for his premature release but the same is still pending consideration, whereupon District Manager Ghaziabad and SSP Ghaziabad have recommended the premature release of the petitioner.
- (b) Paper book has not been prepared despite the direction of the High court and without paper book final hearing cannot take place.
- (c) The Petitioner was transferred to Model Jail, Lucknow due to his good conduct and has been serving his sentence there since last 3 years.

In our view all the aforesaid facts make disturbing meanings.

Issue notice to respondent-State through standing counsel, returnable on 02nd March, 2022.

Dasti, in addition, is permitted.

We also call upon the Registrar, High Court of Allahabad to sent a report forthwith to us as to whether the paper book was prepared in pursuance to the direction passed by the Division Bench on 09.1.2019 and if so when and whether any steps were taken to list the appeal thereafter.

A copy of the Order to accompany the notice both to the State and to the Registrar, High Court of Allahabad.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER